Incomplete.

G. R. S. IX-5]

Previous references. 1898
~~191~~
(G. 7.)

File No. 5
Serial Nos. 1–12

Later references.
G 7.10 of 1900
Legislation 3 of 1900.
P-40
E

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 12.

ll. **Part B for** May 1900

SUBJECT.

Attachment of Insurance Bonus by Civil Courts
& decree holders.

Indexed
MMS

W D 88—GPB—50,000—24-7-16

REVENUE DEPARTMENT
Gl. No. 7128
DEWAN'S OFFICE

(1

From

The Secretary to the
Mysore State Life
Insurance Committee,
Bangalore.

Section G.T.
File No 5-38
Serial No 1

To The Secy to Govt of
Rev. & Genl Dept

Dated 10/5/1899
Despatched
Received
General No. 1627
No.

Enclosure No. nce

Subg for orders of
Govt: on Extract
from ~~Govt~~ Proc of
the meeting held
on the 29/4/99 in re
Re attachment of
pr Procente

Subd with a draft
of
9/5/99

Recd 17/5/99
Dis: Branch

2

OFFICE OF THE SECRETARY TO THE MYSORE STATE LIFE INSURANCE COMMITTEE.

Bangalore.

No. 167 Dated 10th May 1899.

From

The Secretary to the Mysore State Life Insurance Committee, Bangalore.

To

The Secretary to the Government of Mysore. General & Revenue departments. Bangalore.

Sir,

I have the honor to submit for the consideration and orders of Government, the enclosed copy of Resolution, No. V, passed at the meeting of the Mysore State Life Insurance Committee held on the 29th April 1899, together with this office Memo No. 390 and papers connected therewith.

2 One Mahadeva Sastri, a Karkoon of

of the Mysore Revenue Survey, died of Plague on 26th November 1898. The bonus due under two policies held by him amounts to Rs 583/- The deceased did not, during his lifetime nominate any body by will or other document as laid down in Rule 23 of Mysore State Life Insurance Subsequent to his death his widow Smt Lakshmamma applied to the Payment of the said bonus Surrendering the two Policies and She was informed, in this office docket No 990 of 17th January 1899. that She should produce a Certificate of heirship from a Competent Court of Law authorising her to receive Payment of the bonus. This however She has not done up to date. Meanwhile at the instance of Plaintiff in a Civil Suit

Civil Court the Sub Judge of Bangalore, has, in his docket no 447 of 19th January 99, attached the bonus by issuing prohibitory notice and directing that the amount be held in deposit until the further orders of the Court. Subsequently, in his docket no 619 of 25th February 1899, the Sub Judge requested that the amount may be remitted to his Court for payment to the party who has attached it. The Sub Judge has been referred to Rule 23 of the Insurance Rules aforementioned, and the Committee being doubtful as to whether the bonus is legally attachable by a process of the Civil Court, have resolved to make a reference to Government for a favour of a ruling on this point.

I have the honor to be
Sir
Your Most Obedient Servant
[signature]
Secretary Insurance Committee

5

Insurance 6871

Extract from Proceedings of the meeting held on the 29th April 1899.

Resolution V.

Read docket No 619 dated 25th February 1899 from the Sub Judge Bangalore requesting that the amount of bonus Rs 583, due on policy Nos: 2077 & 3113 held by the late Shamanna Mahadeva Saistry, Karkoon, Revenue Survey, may be sent to his court for payment to the c that attached it

Resolved that the Sub Judge b referred to Rule 23 and the matter r ported to Government with copies o opinions recorded by the members, w a view to legal opinion being obtain and orders passed on the general question, whether the bonus due to a deceas policy holder is, before payment, subje to attachment by a civil court.

sd D. R. A Shumboocha
President.

Copy

G Rowlandson
Secretary, Insurance b

Ltr a

6

169

(2)

From

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

To The Sr Advocate Bangalore

Section 47
File No 501 1x 97
Serial No 8
Dated
Despatched 20th May 1899
Received 20

General No. 8498.
No. 1013
Enclosure No. 17

Has the honor to forward herewith for opinion copy of letter No. 1627 dated 10th May 1899 from the Secy to the Insurance Committee with enclosures in original, relating to the claims due to one Shamanna Maharenatha Kankani, Lingsugur Taluq, who died of Plague in Nov. 1898

B. a

19/5/99
for Secy

To be Returned

cf

Submitted
Secretariat
for orders
M
8/6/99

Please put up a memo
for submission to the
Dewan
Q
9-6-99.

Office Note subd.
14/6/99

No. 7606
1899

From
The Govt. Advocate
in Mysore

(9)

To Section 47
File No 4-94
Serial No 2
THE SECRETARY TO THE
GOVT. OF MYSORE,
REVENUE AND GENERAL DEPTS.

Dated 30/5/99
Despatched
Received
General No. 173
No.

Enclosure No. one file

Requesting opinion
called for regarding
whether certain
bonus payable to
legal heirs of a deceased
person person policy
holder of the Mysore State
Life Insurance Comp.
is attachable by a
civil Court or

References to be marked.

Refs put up.
5/6.

Submitted draft
5/6/99

8

OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.

DATED 30th May 1899

No. 173
EII. No. 1 file

9

From

THE GOVERNMENT ADVOCATE
IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

In reply to your letter No. 82,98 / H 1073 dated 20th instant, I have the honor to state that in my opinion the bonus is legally attachable by a process of the civil court

Rule 23 of the Mysore state life Insurance does not prohibit the attachment of the bonus payable to the legal heirs of the deceased who are entitled to it in law subject to the payment of the debts of the deceased

Section 266 of the civil procedure provides as to what property is attachable and what is not attachable. The said section does not exempt from attachment bonus payable to the deceased. If the plaintiff who has attached the amount of the

Of the bonus, has obtained a decree against the widow of the deceased who has surrendered the Policies he is entitled to the amount to the extent of his decree.

Under section 278 or 244 of the civil procedure, the widow of the deceased may if she is so advised apply to the Sub-Court to declare that the amount of the bonus is not liable to be attached

The enclosures are herewith returned

I have the honor
to be
Sir
your most obedient servant

S Ramakrishnamurthy
Government Advocate

7602
1524

10

From

Secretary, Insurance Committee. 3

To The Secretary to the Government of Mysore General and Rev: Departt.

Section 4.7
File No 5 98 Dated 30.
Serial No 4
Despatched 31 May 1899

Received

General No. 1737
No.

Enclosure No.

Has the honor to request that the policy and receipt Book sent with this Office No. 1627 dated 10th May 1899, may be returned at a very early date, as the party who returned them to this office applies for them in view to obtain a certificate of heirship

Secretary
Insurance Committee

Refer pencil
Rev
1.6.99
Subsidiary
Rev
2/6/99

(4)

1899

11

From

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

To The Secretary to the
Insurance Committee
Bangalore

Dated 5th

Despatched June 1899.

Received

Section Gen. A.

File No 5 - 1899

Serial No 5

General No. 8957

No. 1103

Enclosure No. 2

His docket N° 1737 dated 30th May 1899, requesting return of the Policy and Receipt Book forwarded with his N° 1625 dated the 10th Idem.

Has the honor to return Policies N°s 2077, 3113 of late Shanmuma, Karkun, Survey Departt and to state that no receipt book was received with the above. The other papers will be returned as soon as the question, now under consideration, is decided by Govt.

5/6/99

for Secy

C/ Office

Re-sub with the Govt Order's Office

4991

H 1099 189

(5)

12

From

The Secretary to the
Mysore State Life
Insurance Committee,
Bangalore.

Section G. H.

File No. 5 The Secretary to the Govt. of

Serial No. 6 Rev. & Genl. Depts., Bangalore

Dated 5/2

Despatched

Received

General No. 1405
No.

Enclosure No. Two

Forwarding for orders, a copy of the letter addressed to the Registrar Chief Court, in reply to the notice received, requesting his (Insurance Secy's) appearance before that Court on the 14/2/900

Re-d 9/2 Gubbi

Ed

Sd/- Y. with the papers since received from D.C.O.

The Pvt. Advocate Genl. has already expressed his opinion that the bonus is attachable by the Civil Courts and it is not clear how he can now be called upon to defend the action of the Insurance Committee

Sd 20/2/00

Please see the letter addressed to the Registrar Chief Court and order thereon

Sd 21/2/00

Drafted
Sd
22/2

13

OFFICE OF THE SECRETARY TO THE MYSORE STATE LIFE INSURANCE COMMITTEE.

No. 1405 Gen

Bangalore 5th February 1900

From

The Secretary to the Mysore State Life Insurance Committee, Bangalore.

To

The Secretary to Government
General and Revenue Department
Bangalore.

Sir,

In continuation of this office No. 1627 dated 10th May last I am desired to forward for the early orders of Government a copy of letter I have this day addressed to the Registrar Chief Court in reply to a Notice I have received from that Court, the duplicate of which is enclosed.

I beg to be favored with the decision of Government on the reference made on 10th May last and also with instructions as to whether the Government Advocate may be employed to represent me in the Chief Court as the hearing of the case, which is set down for hearing on 14th instant.

As I may not receive the orders of Government before that date, I have applied for an adjournment

I have the honor to be
Sir
your most obedient Servant

Sd/ [illegible]
for Secretary
Insurance Committee

164

Exhibit C

In the Chief Court of Mysore at Bangalore

Misc. Appeal No. 25 of 1899-1900

Appt & Plff: — Respondents & Defts:

Mr L. Srinivas Iyengar (Decree-holder) — 1 Subba Lakshammah &
Lakshammah minor by
father & guardian Narasi
2 Narasa, minor by father
and guardian Venkatas
Rais
(Judgment debtors)

To

The Secretary to the Insurance
Committee, Mysore State
Life Insurance
Bangalore

CHIEF COURT OF MYSORE

Whereas an appeal has been preferred
against the order of the Subordinate Judge
of Bangalore refusing to execute the Decree

15

ecree of this Court in R. A. No. 299 of 1898-99
claring the right of the Plaintiff to receive
amount of two Pagodas standing in the
me of Shamanna Mahadeva Sastry the deceased
hand of the 1st Defendant above named, on
ground that you have declined to pay the
ount. You are requested to appear before this
rt in person or by Advocate on Wednesday
14th day of February 1900 at 11 A.M. to show
use why the amount should not be paid
pursuance of the Decree.

Given under my hand & the seal
the Court this 31st day of January 1900.

Draft

Registrar.

46

OFFICE OF THE SECRETARY TO THE MYSORE STATE LIFE INSURANCE COMMITTEE.

Bangalore 5th February 1900.

No. Exhibit 6

From

The Secretary to the Mysore State Life Insurance Committee, Bangalore.

To

The Registrar Chief Court of Mysore Bangalore

Sir,

"With reference to your No 529 dated 1-2-1900 31st January 1900 transmitting Notices in Miscellaneous appeal No 25 of 1899-1900 Appellant and Plaintiff Mr L Srinivasa Iyengar (Decree holder) Vs Lubba Lakshmiamma another Respondents-Defendants I have the honor to append for the information of the Chief Court a copy of the reference made to Government in regard to the attachment of the bonus payable by the Insurance Committee to the heirs of the late Mahadeva Sastri. As the matter is still pending before Government I am desired to request that if my attendance before the Chief Court in connection with the Miscellaneous appeal aforementioned, is necessary, I

From

The Secretary to the
Mysore State Life
Insurance Committee,
Bangalore.

To

Dated

Despatched

Received

General No. _____ / _____
No.

Enclosure No.

I beg that 3 months time be allowed to enable me to make a further reference to Government and to obtain their instructions as to whether the Government Advocate should be directed to appear for me in the case.

I have etc.

(Signed). E. R. Lubrayer
Secy I. C.

Copy
W. C. C.
Secretary
Insurance Committee

OK

draft as per orders.

18 (6)

Section 5 7
File No 3-28
Serial No 7

To

The Secretary to the
Mysore State Life Insurance Committee
Bangalore.

Dated 24-2-00
No. 6145
R. 848.

His letter No 1405 dated 5th February 1900 soliciting instructions as to whether he may employ the Govt Advocate to represent him in the Chief Court in appeal case No 25 of 1899-900, Mr L. Iyengar-Vasiengar Vs Subba Lakshamamma & another, regarding the payment of insurance bonus to the latter

---

Adverting to the above, has the honor to request that the Secretary to the Insurance Committee will be so good as to obtain & submit

Submit a copy of the
Subordinate Judge's
order appealed against

19

By order

for Secretary.

20 Myrat (7)

Submitted with
Office note contd
CS
3/8/00

189 RECEIVED
5425
H. 1163
DEWAN'S OFFICE

From

The Secretary to the
Mysore State Life
Insurance Committee,
Bangalore.

To The Secy to Govt of Mysore
Revenue Deptt

Section 5. 7
File No 5 38
Serial No 2 Dated 1st March 1900
Despatched
Received
General No. 1526
No.

Enclosure No. 1

Submitting copy of
OK No 5116 of 26-2-00
3384.
from the Registrar of the
Chief Court of Mysore
and requesting instructions
the Govt advocate to appear
before the Chief Court
to represent the Insurance
Committee.

Rao Early

1/3/1900

R. 1st C. 1

Refer to the file
1/3/1900

Refer to the file
1/3/1900

Urgent 21

OFFICE OF THE SECRETARY TO THE MYSORE
STATE LIFE INSURANCE COMMITTEE.

Bangalore
No. 1526 Dated 1st March 1900

From

The Secretary to the Mysore
State Life Insurance Committee, Bangalore.

To

The Secretary to Govt of Mysore
Revenue & General Department
Bangalore

Sir,

In continuation of my letter No. 1405 dated 5/8 February 1900, I have the honor to forward herewith for information of Government Copy of docket No. 5716/3384 dated 26th February 1900, received from the Registrar of the Chief Court of Mysore fixing the hearing of the appeal to the 16th instant.

I am to request that the Government, if so pleased, may instruct at an early date the Government advocate to appear before the Chief Court to represent the Insurance Committee on the said date.

I have the honor to be
Sir
your most obedient Servant
[signature]
Secretary
Mysore Insurance Committee

22 Urgent

1899

From ~~Secretary, Insurance Committee~~
The Registrar of the
Chief Court of Mysore
To The Secretary to the Mysore
State Life Insurance
Committee,

Dated 26 February 1900

Despatched

Received

General No. 5116
No. 3384

Enclosure No.

The Secretary's No. 11,06 dated 5th Instant and the Appeal No. 25 of 1899/00 on the file of this Court

Appellant Mr L. Somasekara (Decreeholder)

#

Respondents Subbalakshmamma & another (Judgment debtors)

With reference to the above I have the honor to state that 14th March 1900 has been fixed for the hearing of the said appeal.

(Signed)
T. R. Thanasamy Chetty
For Registrar

True Copy
[illegible]
Secretary
Insurance Committee

1 Recd Jurisdiction 4/C 2/3/1900

23

Reference to papers 2/3/1900

REVENUE Dept. Gl. No. 5460 189

From H. H. Secretary Insurance Committee

(8)

To The Secretary to the Government of Mysore Genl & Rev: depts. Bangalore

Section 4.7.	Dated
File No 498	Despatched 3rd March 1900
Serial No 9	Received
	General No. 1529 No.

Enclosure No.]

Sir, Docket No: 6145-24 H. 848 7th Feb 1900.

I have the honor to submit herewith Copy of the Subordinate Judge's order passed in Execution Case No: 376 of 1899-1900 appealed against in the Chief Court Appeal Case No 25 of 1899-1900 Called for in the above. I have the honor to be Sir Your most obedient Servant

H Nanjappa Secretary H.C.

Ne

24

In the court of the ~~Sub~~ Judge at Bangalore
Before S. Venkataravaradan Iyengar Esqure,
Sub Judge.

O.S. No 280 of 1898-99

Execution No 376 of 1899-1900.

Plaintiff

Mr. C. Srinivasayya ~~Pl~~

Defendants

1. Seshagiri Sastry.
2. Subba Lakshamma alias Lakshmamma minor by guardian and father Narayan Jois.
3. Narayana minor by guardian and father Venkata Subba Jois

November 1899.

Order

Read Docket No 1660 dated 10th May last from the Secretary Insurance Committee stating that the amount of bonus on the policies referred to ~~can be paid only to the legal heirs of~~ the deceased.

The above docket was a reply to this Court's requisition to forward the money for payment to Petitioner under

the

25

the decree.

As I cannot compel the said Committee in these proceedings to pay the money, Petitioner must be left to seek his own remedy in this matter.

The debts due to the deceased to be put up for sale on the 30th Instant.

3. 11. 99. (Initialled) S. V
Sub Judge

A true Copy

A. Thanacoumy Chetty
For Registrar.

Urgent

26 Proc of the Govt of

(10)

Section C7 New
File No 1/98
Serial No 10

Letter No. 1526 8/9/

from the Secretary to
the Mysore State Life
Assurance Committee
bringing to notice
that the appeal to H
Chief Court against the
order of the Bangalore
(Sub-Judge Mr. decem
to execute the decree of
the Chief Court in RA No
299 of 1898-99 (adjudgin
to the pltf (Mr L Srinivasa
the amount due on the
two policies standing in the
name of Ramanna Mahade
Sastry deceased) has been
posted to the 14th inst for
hearing
Send also

No 173 of 27

30/5/99 from the
Govt Advocate in Kyaukse
forwarding his
opinion in the above case
in the form
payable & the heirs
of the deceased under
the above case if attachable
by process of the Civil Courts

order thereon No 6281-2 H: 860 dated 5/3/00

The Govt Advocate
requests & opines the
appeal in the Chief Court,
taking further instructions
if necessary from the
Secretary to the
Insurance Committee
A copy of the Asst-Judge's
order is forwarded herewith

7. Govt Advocate

5/3/00

28

(11)

GOVERNMENT OF MYSORE

From

189 6985

7/1444

The Government Advocate in Mysore, Bangalore

1

To

THE SECY TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS

Section E.7.

File No 2-38 Dated 22/4/00.

Serial No 11 Despatched

Received

General No. 199

No.

Enclosure No. 2.

Forwg for information a copy of the orders passed by the Chief Court in Mr's appeal Nº 25 of 1899-1900 and enclosing a bill of fees and requesting that the same may be sanctioned

---

References to be marked.

9 Mr

22 7 2 / 00 1

The papers are with C.S.

HS 27/4/00.

Subst for orders with R/e Contd

of 30/4/00

28/4/00.

27

OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.

DATED 22nd April 1900

No. 199
En. No. 2

&c 11

(11)

From

THE GOVERNMENT ADVOCATE
IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to the Proceedings of the Government order No. 6281-2, dated the 5th Ultimo, I have the honor to forward for information a copy of the order passed by the Chief Court in Mis: appeal No. 25 of 1899-1900

I beg to enclose herein a bill of fees & request that the same may be sanctioned

I have the honor to be
Sir
Your most obedient Servant

S. Kasturi
Government Advocate

In the day
Wednesday the 21st day of March 1900.

Present

Mr. Justice J. W. Best. Chief Judge

and

Mr. Justice T. Narahari Row. Judge.

Mis appeal No. 26 of 1899-1900

Appellant
(Decree-holder)

Mr. K. Sreenivasa Iyengar.
(By Mr. K. T. Narasimha Iyengar)

1 Subbalakshamma alias Lakshmamma minor by Narayana Jois
2 Narayana, minor, by Venkata Subba Jois

Respondents
Judgment Debs.

This appeal against the order of the Sub Judge of Bangalore in
OS. No 280 of 1898-99
& EC No. 376 of 1899-00.

This mis appeal coming on for hearing this day, the Court pronounced the following

Order

It is contended by Mr Ramaiu Iyer on behalf of the Insurance Committee that

30

Rule 55.

In the Chief Court of Mysore at Bangalore

Wednesday the 21st day of March 1900

Present

Mr. Justice J. W. Best. Chief Judge

and

Mr. Justice T. Narahare Row. Judge

Misc appeal No. 26 of 1899-1900

Mr. K. Sreenivasa Iyengar. (By Mr. K. T. Narasimha Iyengar) — Appellant (Decree-holder)

1 Subbalakshamma alias Lakshmamma minor by Narayana Jois
2 Narayana, minor, by Venkata Subba Jois — Respondent Judgment Deb

This appeal against the order of the Sub Judge of Bangalore in
O.S. No 280 of 1898-99
& C No. 376 of 1898-00.

This misc appeal coming on for hearing this day the Court pronounced the following

Order

It is contended by Mr Ramaiya Iyer on behalf of the Insurance Committee

31

Rule no 23 of the Rules requires the production of a certificate of heirship that no doubt is the case in the absence of a decree. But when there is a decree against the legal representative of the Policy holder, the rule is not applicable; for the money is no longer payable to the heir, but to the Decree-holder the money having been attached in execution of the decree and can be safely paid into court by the committee, as Section 268 of the Code of Civil Procedure declares that such payment will be an effectual discharge of all liability for the debt

The Policies of insurance are in the court and can be delivered to the committee on the money being paid into this court.

/ Signed / J. W. Best
Chief Judge

/ do / T. Narahari Rao
Judge.

Copy

Government Advocate

32 Bellary

(12)

Read

Section 47
File No 5 98 the 10
Serial No 12

Letter No. 1627 dated May 1899. from the Secretary to the Mysore State Life Insurance Committee, submitting for orders of Government an extract from the Proceedings of a Meeting of the Insurance Committee held on the 29th April 1899

Also Correspondence ending with letter No 199 dated the 22d April 1900 from the Govt. advocate submitting copy of ~~the~~ an order passed by the chief Court ~~on the subject and subm~~ makes for sanction a bill for Rs. 16 being his fee for having conducted the case.

V
No 8052 — 4 9/4/5/00
H. 1075
Rec: 2 & a file

~~matter of payment of borrow money to decree holders by legal representatives of the Policy holders~~

As regards borrowing money due to deceased policy holders being liable to be attached by process of Civil Courts - and forwarding

Order thereon
The facts of the Follow

One Shamanna Mahadeva
Sastry, a Karkoon of the
Mysore Revenue Survey dept
and holder of Policies nos 2077
and 3113 having died of plague
in November 1898, his widow
Subba Lakshamma applied
for payment of the bonus
due, viz Rs. 583, and surrendered
the two policies. As the deceased
did not nominate any body
during his life-time by will
or other document as laid
down in Rule 23 of the State
Insurance Rules, the widow
was asked to obtain and
produce a certificate of heirship
from a competent Court of
Law, authorising her to receive
payment of the bonus. —
In the mean while and at the
instance of the Plaintiff —
a civil case before him the
Subordinate Judge of Bangalore
forwarded to the Secretary

34

to the Insurance Committee a notice attaching the bonus in question and requesting that the amount be held in deposit until further orders and subsequently requested the transmission of the amount to his Court for payment to the decree holder. The Secretary to the Insurance Committee referred the Sub-Judge to Rule 23 of the Insurance Rules and reported the matter to Government for orders as to whether the bonus due to a deceased policy holder is subject to attachment by a Civil Court. The question was referred to the Government Advocate for opinion who stated that under section 278 or 2444 of the Civil Procedure Code the widow of the deceased

might apply to the Sub-Court to declare that the amount of the bonus is not liable to attachment. The case having in the meantime come up before the Chief Court on appeal it has been decided that rule 23 of the Insurance Rules applies only in the case in which there is no decree, but that when there is a decree against the legal representative of the Policy holder the rule is not applicable

2. The papers read above will be recorded

3. Government would be glad to have the opinion of the Insurance Committee as to whether any legislation is desirable in view to the exemption of bonus from attachment.

4. The bill for Rs. 16 submitted by the Government Advocate

36 is passed and forwarded to the Comptroller for audit.

VR
12/5/00
Secretary

To The Secy to the Mutual Life Insurance Committee with a copy of the decision of the Chief Court, returning original papers.

The Comptroller - with bill for $16.
The Govt Advocate

cl

37

1899-1900

GOVERNMENT OF MYSORE

81 / 2

FINANCIAL

PROCEEDINGS

Dated 14th May 1900

No. 8052-4
Fl. 1075

Requesting to be furnished with the opinion of the Insurance Committee as to whether any legislation is desirable in view to the exemption of bonus money due from attachment by a Civil Court.

SBP—19-5-1900—200

Financial, dated 14th May 1900.

DECISION OF THE CHIEF COURT.

In the Chief Court of Mysore, at Bangalore, Wednesday, the 21st day of March 1900.

PRESENT:

Mr. Justice J. W. Best, Chief Judge,

and

Mr. Justice T. Narahari Rao, Judge.

Miscellaneous Appeal No. 25 of 1899-1900.

Mr. L. Sreenivasiengar, *Appellant.*
(By Mr. K. T. Narasimiengar, *Decree-holder*).

versus.

1. Subba Lakshmamma *alias* Lakshamma, minor, by Narayan Joish.
2. Naranaiya, minor by Vankatasubba Joish.

} Respondents—Judgment Debtors.

Miscellaneous Appeal against the order of the Sub-Judge of Bangalore in Original Suit No. 280 of 1898-99—Ex. C. No. 376 of 1899-1900.

This Miscellaneous Appeal coming on for hearing this day, the Court pronounce the following :—

Order.—It is contended by Mr. Ramaswami Iyer, on behalf of the Insurance Committee that No. 23 of the Rules requires the production of a certificate of heirship. That, no doubt, is the case in the absence of a decree. But when there is a decree against the legal representative of the policy-holder, the rule is not applicable; for the money is no longer payable to the heir, but to the decree-holder. The money having been attached in execution of the decree, can be safely paid into Court by the Committee, as Section 268 of the Code of Civil Procedure declares that such payment will be an effectual discharge of all liability for the debt.

The Policies of Insurance are in the Court and can be delivered to the Committee on the money being paid into this Court.

J. W. BEST,
Chief Judge.

T. NARAHARI RAO,
Judge.

Exd.—H.A.R.

38

Proceedings of the Government of Mysore;

READ—

Letter No. 1627, dated the 10th May 1899, from the Secretary to the Mysore State Life Insurance Committee, submitting, for the orders of Government, an extract from the Proceedings of a Meeting of the Insurance Committee held on the 29th April 1899.

ALSO—

Correspondence ending with letter No. 199, dated the 22nd April 1900, from the Government Advocate, submitting copy of a decision passed by the Chief Court as regards bonus money due to deceased policy holders being liable to be attached by process of Civil Courts, and forwarding for sanction a bill for Rs. 16, being his fee for having conducted the case.

No. 8052-4—Fl. 1075, DATED BANGALORE, 14TH MAY 1900. 8(1)

ORDER THEREON—The facts are as follows:—

One Shamanna Mahadeva Sastri, a karkoon of the Mysore Revenue Survey Department, and holder of Policies Nos. 2077 and 3113, having died of plague in November 1898, his widow Subba Lakshmamma applied for payment of the bonus due, *viz.*, Rs. 583, and surrendered the two policies. As the deceased did not nominate any body during his life-time by will or other document, as laid down in Rule 23 of the State Insurance Rules, the widow was asked to obtain and produce a certificate of heirship from a competent Court of Law authorising her to receive payment of the bonus.

In the meanwhile, and at the instance of the plaintiff in a civil case before him, the Subordinate Judge of Bangalore forwarded to the Secretary to the Insurance Committee a notice attaching the bonus in question, and requesting that the amount be held in deposit until further orders, and subsequently requested the transmission of the amount to his Court for payment to the decree-holder. The Secretary to the Insurance Committee referred the Sub-Judge to Rule 23 of the Insurance Rules and reported the matter to Government for orders as to whether the bonus due to a deceased policy-holder is subject to attachment by a Civil Court. The question was referred to the Government Advocate for opinion, who stated that under Section 278 or 244 of the Civil Procedure Code, the widow of the deceased might apply to the Sub Court to declare that the amount of the bonus is not liable to attachment. The case having in the meantime come up before the Chief Court on appeal, it has been decided that Rule 23 of the Insurance Rules applies only in the case in which there is no decree but that when there is a decree against the legal representative of the policy-holder, the rule is not applicable.

2. The papers read above will be recorded.

3. Government would be glad to have the opinion of the Insurance Committee as to whether any legislation is desirable in view to the exemption of bonus from attachment.

4. The bill for Rs. 16 submitted by the Government Advocate is passed and forwarded to the Comptroller for audit.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Secretary to the Mysore State Life Insurance Committee, with a copy of decision of the Chief Court, returning original papers.

The Comptroller to the Government of Mysore, with bill for Rs. 16.

The Government Advocate in Mysore.